



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

John Pomeranz, Esq.  
Harmon, Curran, Spielberg + Eisenberg LLP  
1725 DeSales Street NW  
Suite 500  
Washington DC 20036-4406

FEB 10 2017

RE: MUR 6987

Dear Mr. Pomeranz:

On February 6, 2017, the Federal Election Commission accepted the signed conciliation agreement with your clients, Florida Freedom PAC, and Gihan J. Perera, in his official capacity as treasurer, to resolve violations of 52 U.S.C. § 30104(g), a provision of the Federal Election Campaign Act of 1971. Accordingly, the file in this matter is now closed.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that, as specified in the agreement, the \$30,000 civil penalty is due within 30 days of the agreement's effective date. If you have any questions, please do not hesitate to contact me at (202) 694-1372.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Q. Luckett".

Roy Q. Luckett  
Attorney, Enforcement Division

Enclosure  
Conciliation Agreement

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the Matter of )  
4 ) MUR 6987  
5 Florida Freedom PAC and )  
6 Gihan J. Perera in his official )  
7 capacity as treasurer )  
8

9 **CONCILIATION AGREEMENT**

10 This matter was initiated by the Federal Election Commission ("Commission"), pursuant  
11 to information ascertained in the normal course of carrying out its supervisory responsibilities.  
12 The Commission found reason to believe that Florida Freedom PAC and Gihan J. Perera in  
13 official capacity as treasurer ("Respondents") violated 52 U.S.C. § 30104(g), a provision of the  
14 Federal Election Campaign Act of 1971, as amended, (the "Act").  
15

16 NOW, THEREFORE, the Commission and the Respondents, having participated in  
17 informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree  
18 as follows:

19 I. The Commission has jurisdiction over the Respondents and the subject matter of  
20 this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C.  
21 § 30109(a)(4)(A)(i).

22 II. Respondents have had a reasonable opportunity to demonstrate that no action  
23 should be taken in this matter.

24 III. Respondents enter voluntarily into this agreement with the Commission.

25 IV. The pertinent facts in this matter are as follows:

26 1. Florida Freedom PAC is a political committee within the meaning of  
27 52 U.S.C. § 30101(4) and is not the authorized committee of any candidate.

28 2. Gihan J. Perera is the treasurer of Florida Freedom PAC.

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COUNSEL

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1                   3. The Act requires committee treasurers to file reports of disbursements in  
2 accordance with the provisions of 52 U.S.C § 30104(b). 52 U.S.C. § 30104(a)(1). This  
3 requirement includes reporting independent expenditures made by political committees other  
4 than authorized committees. 52 U.S.C. § 30104(b)(4)(H)(iii), *see also* 11 C.F.R.  
5 § 104.3(b)(1)(vii).

6                   4. Every political committee that makes independent expenditures must report  
7 them in its regularly scheduled disclosure reports in accordance with 11 C.F.R.  
8 § 104.3(b)(3)(vii). 11 C.F.R. § 104.4(a). A political committee must disclose on Schedule E the  
9 name of a person who receives any disbursement during the reporting period in an aggregate  
10 amount or value in excess of \$200 within the calendar year in connection with an independent  
11 expenditure by the reporting committee. 11 C.F.R. § 104.4(a). The report also must disclose the  
12 date, amount, and purpose of any such independent expenditure and include a statement that  
13 indicates whether such independent expenditure is in support of or in opposition to a candidate,  
14 as well as the name and office sought by such candidate. Independent expenditures of \$200 or  
15 less do not need to be itemized, though the committee must report the total of those expenditures  
16 on line (b) of Schedule E. *Id.*

17                   5. Political committees that make or contract to make independent expenditures  
18 aggregating \$1,000 or more with respect to a given election after the 20th day, but more than 24  
19 hours before the date of that election, must disclose them within 24 hours following the date of  
20 dissemination. 52 U.S.C. § 30104(g)(1); 11 C.F.R. § 104.4(c). These reports, known as 24-Hour  
21 Reports, must be filed within 24 hours after each time it makes or contracts to make independent  
22 expenditures aggregating an additional \$1,000. 11 C.F.R. § 104.4(c).

6. Political committees that make or contract to make independent expenditures aggregating \$10,000 or more in connection with a given election at any time during a calendar year up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours. 52 U.S.C. § 30104(g)(2); 11 C.F.R. § 104.4(b)(2). These reports, known as 48-Hour Reports, must be filed by the end of the second day “following the date on which a communication that constitutes an independent expenditure is publicly distributed or otherwise publicly disseminated.” 11 C.F.R. § 104.4(b)(2). A committee is required to file additional reports within 48 hours after each time it makes or contracts to make independent expenditures aggregating an additional \$10,000. *Id.*

7. On October 11, 2012, the Committee filed an Amended 2012 July Quarterly Report, covering the period from April 1, 2012 to June 30, 2012, which included a Schedule E (Itemized Independent Expenditures) disclosing three independent expenditures totaling \$279,445.52, made in support of one federal candidate. Of these expenditures, the Committee failed to file a 48-Hour Notice regarding one independent expenditure totaling \$210,915.52.

8. On February 14, 2013, the Committee filed an Amended 2012 30-Day Post-General Report covering the period from October 18, 2012, to November 26, 2012, which included a Schedule E disclosing 1,412 independent expenditures totaling \$158,995.32. The Committee failed to file seven 24-Hour Reports for 180 independent expenditures, totaling \$25,160.16, and untimely filed six 24-Hour Reports for 7 independent expenditures, totaling \$49,270.40.

9. The Committee failed to file eight 24-Hour and 48-Hour Reports for 181 independent expenditures, totaling \$236,075.68.

10. The Committee failed to timely file six 24-Hour Reports for seven independent expenditures, totaling \$49,270.40.

V. Respondents violated 52 U.S.C § 30104(g) by failing to file or timely file 24-Hour and 48-Hour Reports of independent expenditures, totaling \$285,346.08.

VI. Respondents will take the following actions:

1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Thirty Thousand dollars (\$30,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondents will cease and desist from violating 52 USC § 30104(g).

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

BY:

Kathleen M. Guith  
Kathleen M. Guith  
Acting Associate General Counsel  
for Enforcement

2-9-17  
Date

FOR THE RESPONDENTS:

Gihan Perera  
Gihan Perera  
Treasurer

12/16/16.  
Date